

# Memo

**To:** Members, House Tourism, Outdoor Recreation, & Natural Resources Committee  
& Legislators representing northern Michigan Districts

**From:** State Representative Joel Sheltroun

**Date:** March 12, 2007

**Re:** HB 4323 (ORVs) proposed H-1 Substitute

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Last Thursday, I met with the County Road Association of Michigan, Michigan Association of Counties, Michigan Municipal League, Michigan Townships Association, Michigan Department of Transportation, Michigan Department of Natural Resources, Michigan State Police, and representatives of ORV retailers, ORV user groups, and the DNR's ORV Citizens Advisory Committee to discuss changes to HB 4323. LSB will have the proposed H-1 sub available by early tomorrow morning and I will e-mail the sub to your office. Below is a summary of the changes:

1. Language regarding where ORVs are to be operated was changed to "the far right of the maintained portion of the road or street." **REQUESTED BY REP. STAKOE, CRAM, and MDOT**
2. Language was added to clarify that "roads" does not refer to state highways. **REQUESTED BY MDOT**
3. Language was added to require any person under 18 without a driver's license to have an ORV Safety Certificate. **REQUESTED BY THE ORV COMMUNITY IN LIEU OF THE ABSOLUTE DRIVER'S LICENSE REQUIREMENT REQUESTED BY MDOT (see below)**
4. Language was added to require a Michigan ORV Permit for operation on roads and streets. **REQUESTED BY DNR**
5. Language was changed to clarify which counties may open roads and streets to ORVs. **ELIMINATES CONFUSION EXPRESSED BY MANY REGARDING THE PRIOR LANGUAGE**
6. Language was added to clarify that a road commission may close up to 30% of the total linear miles of county roads to ORVs (not just 30% of the linear miles opened to ORVs). **REQUESTED BY CRAM**
7. Language was added to specify that a county road commission could use its share of county ORV fund revenue to post signs indicating if a county road was open or closed to ORVs. **REQUESTED BY CRAM**
8. Language was added to allow a county road commission to use county ORV fund revenue to repair damage to streets and roads and the environment that "may be caused by ORVs" (previous language said "caused by ORVs"). **ADDED AT THE SUGGESTION OF LSB**

9. Language was changed to make hours of operation consistent with the hours of operation on state forest trails. **REQUESTED BY LAW ENFORCEMENT AND VARIOUS SPORTSMEN**

10. Language was added to require a county board of commissioners to provide 28 day notice to a county road commission via certified mail prior to adopting a county ORV ordinance in order to solicit the expert advice of the road commission. **REQUESTED BY CRAM**

11. Language was added to require a county board of commissioners to provide 28 day notice to the DNR via certified mail prior to adopting a county ORV ordinance if the county includes state forest land. **ADDED ON BEHALF OF THE DNR**

12. Language was changed to increase the minimum fine from \$100 to \$250 for the operation of an ORV (a) in a wetland, river, stream, (b) while trespassing on private land, or (c) in such a manner as to create an erosive condition or to destroy trees or crops. **REQUESTED BY THE DNR**

13. Language was added to allow a city or village to open or close its streets to ORVs independent of the county board of commissioners pursuant to Article VII, Sec. 29 of the Michigan Constitution. **REQUESTED BY MML**

#### Proposed Changes Not Made in the H-1

A. The Michigan State Police requested that the 25 mph maximum speed limit in the bill be removed and that the ORV speed limit be the same as that of automobile traffic on roads and streets. ORV users and the DNR stated it is not safe to operate an ORV at 45 mph or 55 mph, the speed limits on the majority of county roads in northern Michigan.

B. MDOT requested a change in the bill requiring anyone operating an ORV on a county road or street to have a valid driver's license. This change would prevent 12, 13, 14, & 15 year olds from legally operating an ORV on a county road shoulder or street. These children are already required to be under the direct visual supervision of a parent or guardian. Instead, the ORV Safety Certificate language described in change #3 was added.

C. MDOT requested that a sunset provision be added to the bill. This change was not accepted as 18 counties already have existing ordinances opening some or all of their county roads to ORVs, some more than 20 years old, providing more than enough time to study this issue. It was also noted that a county can repeal its ORV ordinance at any time and none have chose to do so to date.